

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HATIM SHAFIQ

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE

Defendant.

Civil Action No. 20-

* * * * *

COMPLAINT

This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.*, as amended, to seek production of agency records sought by the plaintiff Hatim Shafiq from the defendant Department of Justice (as well as its subordinate entity).

JURISDICTION

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendant pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

VENUE

2. Venue is appropriate under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

PARTIES

3. Plaintiff Hatim Shafiq (“Shafiq”) is a social media coordinator for the Dawoodi Bohra community in Detroit, Michigan, and qualifies as a representative of the media under the Freedom of Information Act.

4. Defendant Department of Justice (“DOJ”) is an agency within the meaning of 5 U.S.C. § 552(f), and is in possession and/or control of the records requested by the plaintiffs that are the subject of this action. DOJ controls – and consequently serves as the

proper party defendant for litigation purposes for – the Federal Bureau of Investigation (“FBI”) and the Department of Justice, Criminal Division.

COUNT ONE (FBI)

5. By letter dated September 12, 2019, Shafiq submitted an FOIA request to the FBI.

6. By letter dated September 17, 2019, the FBI denied the request. The FBI designated the request as Request No. 1447118-000.

7. On October 3, 2019, Shafiq submitted an administrative appeal.

8. To date, no substantive response has been received by Shafiq from the DOJ.

Shafiq has constructively exhausted all required administrative remedies for seeking the requested agency records.

COUNT TWO (DOJ CRIMINAL DIVISION)

9. By letter dated September 12, 2019, Shafiq submitted a FOIA request to the DOJ Criminal Division.

10. To date, no substantive response has been received by Shafiq from the DOJ.

Shafiq has constructively exhausted all required administrative remedies for seeking the requested agency records.

WHEREFORE, plaintiff Hatim Shafiq prays that this Court:

(1) Order the defendant Department of Justice and the FBI to process and release non-exempt copies of all responsive records;

(2) Award reasonable costs and attorney’s fees as provided in 5 U.S.C. § 552(a)(4)(E) and/or 28 U.S.C. § 2412(d);

(3) Expedite this action in every way pursuant to 28 U.S.C. § 1657(a); and

(4) Grant such other relief as the Court may deem just and proper.

Date: January 28, 2020

Respectfully submitted,

/s/ Brian M. Legghio
Brian M. Legghio (P29658)
Law Offices of Brian M. Legghio
Suite 2200 Penobscot Building
645 Griswold Street
Detroit, Michigan 48226-4107
p: (313) 466-8300
f: (313) 466-8301
blegghio@legghiolaw.com

Attorney for the Plaintiff

/s/ Bradley P. Moss
Bradley P. Moss, Esq.
D.C. Bar #975905
Mark S. Zaid, Esq.
D.C. Bar #440532
Mark S. Zaid, P.C.
1250 Connecticut Avenue, N.W.
Suite 700
Washington, D.C. 20036
p: (202) 454-2809
f: (202) 330-5610 fax
Brad@MarkZaid.com
Mark@MarkZaid.com

Attorneys for the Plaintiff
Pro Hac Vice admission pending